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In the Supreme Court of the United States

OCTOBER TERM, 1931

No. 67

RAY LYMAN WILBUR, AS SECRETARY OF THE INTERIOR, PETITIONER

v.

THE UNITED STATES OF AMERICA EX REL. CHESTATER PYRITES & CHEMICAL CORPORATION

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

BRIEF FOR THE PETITIONER

OPINIONS BELOW

The opinion of the Court of Appeals of the District of Columbia (R. 30) is reported in 47 F. (2d) 424. No opinion was rendered by the Supreme Court of the District of Columbia, but its judgment, stating the basis of its decision, is in the record. (R. 27.)

JURISDICTION

The judgment of the Court of Appeals of the District of Columbia was entered February 2, 1931.

(R. 32.) The petition for certiorari was filed May 2, 1931, and was granted May 25, 1931. (R. 33.) The jurisdiction of this Court rests on Section 240(a) of the Judicial Code as amended by the Act of February 13, 1925.

QUESTIONS PRESENTED

1. Was the action of the Secretary of the Interior in disallowing the portion of respondent's claim based upon interest paid upon borrowed money erroneous as a matter of law?

2. Was the discretion of the Secretary of the Interior under the Act of March 2, 1919, to disallow claims, the allowance of which he determined to be unjust and inequitable, removed by the Act of February 13, 1929?[1]

STATUTES INVOLVED

The applicable statutes appear in the Appendix, *infra*, pp. 19–24.

STATEMENT

Pursuant to the Act of February 13, 1929, c. 182, 45 Stat. 1166, the respondent filed a petition in the Supreme Court of the District of Columbia to review a final decision of the Secretary of the Interior upon its claim under the War Minerals Relief Act of March 2, 1919, c. 94, 40 Stat. 1272, based in part upon expenditures for interest paid on money borrowed, which was disallowed by the Secretary of the Interior in so far as such expenditures were

[1] The same question is involved in No. 66.

concerned. The Supreme Court of the District of Columbia dismissed this petition by a judgment in which it was ordered and decreed that "the questions of law raised by the petitioner were properly adjudicated by the Secretary of the Interior." (R. 27.) Upon appeal to the Court of Appeals of the District of Columbia that court reversed this judgment and remanded the case to the Secretary for further proceedings not inconsistent with its opinion, holding that the claim for interest paid should be allowed as a matter of law. It referred to its prior opinion in *Work* v. *United States ex rel. Chestatee Corporation*, 54 App. D. C. 380, involving the disallowance of the same claim by a former Secretary of the Interior, and also to the reversal of that decision by this Court in *Work* v. *Chestatee Corporation*, 267 U. S. 185, but stated that the reversal by this Court was not upon the ground that its prior decision had construed the statute erroneously, but upon the ground that it had no jurisdiction to review the construction placed upon the statute by the Secretary of the Interior. (R. 30–32.)

On March 5, 1919 the Chestatee Pyrites & Chemical Corporation (hereinafter called the respondent) filed a claim with the Secretary of the Interior under the provisions of Section 5 of the War Minerals Relief Act of March 2, 1919 (Appendix, *infra*, pp. 19–24). In its claim the respondent asked an award for net losses alleged to have been sustained in producing and preparing to produce

pyrites under the conditions referred to in the Act of March 2, 1919. Two awards were made to the respondent in the total amount of $693,313.79, which was paid. Items claimed by the respondent as payments of interest upon money borrowed by it were disallowed. Thereafter the respondent filed a petition in the Supreme Court of the District of Columbia praying a writ of mandamus to compel the then Secretary of the Interior to adjust and pay the alleged loss sustained by the respondent through the payment of interest as aforesaid. The writ was granted, and upon appeal to the Court of Appeals of the District of Columbia that court affirmed the judgment of the lower court. *Work, Secretary of the Interior,* v. *United States ex rel. Chestatee Pyrites & Chemical Corporation,* 54 App. D. C. 380.

This Court reversed the judgment of affirmance on March 2, 1925. *Work* v. *United States ex rel. Chestatee Pyrites & Chemical Corporation,* 267 U. S. 185.

Respondent's present petition (R. 1) alleged, in substance, the filing of a claim with the Secretary of the Interior under the Act of March 2, 1919, based upon interest paid on money borrowed by respondent which was used in producing and preparing to produce pyrites, and that successive Secretaries of the Interior, including the petitioner, had refused to make an award to the respondent upon its claim for such interest. The petition

asked a review of this decision under the Act of February 13, 1929, and appropriate relief.

The petitioner originally filed a response to the petition for review and mandamus, to which were annexed exhibits showing the action of the Secretary of the Interior in denying respondent's claim. (R. 5.) The response was withdrawn by stipulation (R. 19), leaving the exhibits annexed to be considered by the court and the petitioner answered. The answer (R. 20) alleged, in substance, that the various Secretaries of the Interior, in the exercise of the discretion confided in them by the Act, refused to allow claims based upon the payment of interest upon borrowed money, and that respondent's claim had therefore been disallowed. The reasons for this conclusion were set forth in the answer. The case was heard and determined upon the pleadings. As stated above, the judgment of the Supreme Court of the District of Columbia dismissing the petition was reversed by the court below.

SPECIFICATION OF ERRORS TO BE URGED

The court below erred:

1. In holding that the Secretary of the Interior in the exercise of his discretion was not justified in disallowing the portion of respondent's claim which was based upon interest on borrowed money.

2. In holding that as a matter of law the petitioner was required to make an allowance for any

net loss sustained by the respondent because of interest paid on borrowed money.

3. In holding that the petitioner should determine as a matter of fact the net loss sustained by the respondent in the payment of interest on borrowed money.

4. In holding that petitioner's discretion under the Act of March 2, 1919, disallowing claims based upon interest paid on borrowed money, was eliminated by the Act of February 13, 1929.

5. In directing the Secretary to allow respondent's claim without determining whether the allowance of the claim would in his opinion be just and equitable.

SUMMARY OF ARGUMENT

1. As a matter of law, a claim based upon expenditures by the respondent for interest on borrowed money was not allowable, and the petitioner properly disallowed the portion of respondent's claim based thereon.

2. Even if the allowance of respondent's claim was not prohibited as a matter of law, the petitioner had discretion to disallow the claim under the Act of March 2, 1919, which was not removed by the Act of February 13, 1929. If the petitioner has exercised that discretion it may not be reviewed. If he has not exercised it, the court below erred in directing him to proceed in such a manner as to deprive him of the opportunity to exercise it.

ARGUMENT

I

THE PETITIONER'S ACTION IN DISALLOWING RESPONDENT'S CLAIM WAS CORRECT AS A MATTER OF LAW

If, as we contend, the petitioner was justified as a matter of law in disallowing respondent's claim based upon interest paid on money borrowed by the respondent, it will be unnecessary to consider the extent of petitioner's discretion in connection with the allowance or disallowance of claims under the Act of March 2, 1919, and whether that discretion has been affected by the Act of February 13, 1929. Accordingly, the question of discretion and the effect of the decisions of this Court in *Work* v. *Rives*, 267 U. S. 175, and *Work* v. *Chestatee Corporation*, 267 U. S. 185 (dealing with the subject of petitioner's discretion under the Act of March 2, 1919) are dealt with in the second division of the argument.

The answer alleges that the petitioner and his predecessors have consistently held that no claim for interest paid upon money borrowed by a claimant to be used by him for the purposes mentioned in the Act of March 2, 1919, could be allowed under the statute, and that respondent's claim was, accordingly, disallowed.

We submit that this disposition of respondent's claim was based upon a correct interpretation of the statute. The Act of March 2, 1919, expressly limited the Secretary of the Interior to the adjust-

ment and payment of "net losses" arising out of expenditures "for or upon property" containing one of the minerals mentioned in the Act. The Secretary was expressly forbidden to include any profits of any kind in the allowance of any claim.

It is clear that interest paid on money borrowed is not an expenditure "for or upon property" containing a war mineral. It is an expenditure for the use of money, and the money borrowed, of course, might be expended for or upon property, but the plain terms of the statute limited the claims which the Secretary could allow, and did not include any expenditure for interest on borrowed money. While such expenditure might well be a loss to the claimant, Congress did not provide that all losses should be paid, and the court below erred in attempting to extend the scope of the gratuity provided by the statute. The decision of the court below was based upon its previous disposition of this case in *Wesby v. United States ex rel. Chestatee Corporation*, 54 App. D. C. 380, in which the court said at page 382:

"Being, therefore, an element of the expenditure [illegible] We think that in equity and justice the interest paid or obligated to be paid in this case should be allowed. (See [illegible] would show more clearly that the court [illegible] decision on its own view of what [illegible] and equitable provision for [illegible] upon the limitations of the statute.

The Act of March 2, 1919, makes no provision for the allowance of interest to claimants who expended their own money for or upon property containing war minerals and thereby lost the use of that money. The answer alleges that the Secretaries of the Interior have consistently refused to allow interest to claimants for such use of their own money. (R. 24.) This action was clearly in accord with the general rule that interest is not to be allowed upon claims against the United States, in the absence of a contract providing for such interest or statutory authority therefor. *United States* v. *Sherman*, 98 U. S. 565; *Tillson* v. *United States*, 100 U. S. 43; *United States* v. *North American Co.*, 253 U. S. 330. The allowance of interest in condemnation cases is based upon the implied contract to make just compensation arising out of the taking of private property by the Government. There is no similarity between the situation of one whose property has been taken by condemnation and a claimant under the Act of March 2, 1919, who, stimulated by war-time agencies of the United States, made expenditures for the purpose of producing certain essential minerals, anticipating that the war would continue and the venture would be profitable. In making provision for such persons in the Act of March 2, 1919, Congress was not providing a statutory substitute for just compensation but a "gratuity based on equitable

and moral considerations." *Work* v. *Rives, supra.* Since a claimant who expended his own funds for or upon property containing war minerals was not entitled to interest, it seems clear that a claimant in a less favorable position financially, who borrowed money for the same purpose, should not be allowed to receive such interest. It can not be presumed that Congress intended to place borrowed capital in a preferred position over capital which was not borrowed. Nothing in the statute indicates any such intention.

Respondent relies, in support of its claim that interest should be paid, upon *United States* v. *New York,* 160 U. S. 598. That case was distinguished by this Court in *Work* v. *Chestatee Corporation, supra.* It involved the construction of a statute by which the Secretary of the Treasury was directed to pay to the Governor of any State the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection against the United States. It was held that under that statute the State could recover interest on bonds issued by it to do the things provided for in the Act. The statute provided for reimbursement to the States for expenses which might properly have been borne by the United States in the first instance. There can be no doubt that money expended by the respondent for interest on bor-

rowed money was an expense, but the Act of March 2, 1919, did not, as did the statute considered in *United States* v. *New York*, provide for the payment of all expenses, and that dissimilarity between the statutory provisions makes the cases clearly distinguishable. Indeed, in *Work* v. *Chestatee Corporation*, this Court, distinguishing the cases, said:

> * * * and it is doubtful whether the conclusion as to interest in such case would be applicable to the claim made by the relator, even if we could hear it on its merits.

While it is our contention that the statute clearly required the action which the Secretary took with respect to respondent's claim, we also contend that even if the terms of the statute did not expressly require this disposition of the claim, the uniform action of the Secretaries of the Interior in disallowing similar claims is an administrative construction of the statute (which certainly does not in terms require the allowance of such claims), which should not be disturbed unless it is clearly wrong. *United States* v. *Finnell*, 185 U. S. 236; *Hall* v. *Payne*, 254 U. S. 343.

The statute related to the granting of a new and unusual gratuity, the limitations of which were not explicitly prescribed, and it invited and required administrative construction. The construction of statutes, general in their directions, has been held to be for the Secretary, without review by man-

damus. *Hall* v. *Payne*, *supra*; *Wilbur* v. *United States*, 281 U. S. 206; *Alaska Smokeless Coal Co.* v. *Lane*, 250 U. S. 549; *Ness* v. *Fisher*, 223 U. S. 683, 693. The provision of the Act of February 13, 1929, authorizing a review of questions of law, certainly did not authorize the court below to reverse the decision of the petitioner unless it clearly violated the express provisions of the statute. Since the petitioner's decision was based upon a correct construction of the statute, or, at least, upon a permissible interpretation, the reversal was error.

The Secretary of the Interior requested the opinion of the Attorney General as to whether he was authorized to adjust, liquidate, and pay net losses sustained in the purchase of real estate and losses arising from the payment of interest on borrowed money. Attorney General Sargent, in an opinion rendered on March 23, 1928, advised:

> I think it must be held that Congress has by acquiescence sanctioned and adopted your construction as a correct interpretation of its intent. (35 Op. A. G. 426, 430.)

The decision upon respondent's claim by one of petitioner's predecessors was among the earliest decisions under the Act and in making it the Secretary said "If the Congress contemplated the payment of interest upon this claim * * * then this award of course does not preclude remedial action by the Congress of the United States acting directly." (R. 26.)

Although the construction placed upon the statute by the several Secretaries of the Interior was apparently called to the attention of Congress (see, for example, page 21 of Secretary Payne's response to Senate Resolution 429, Senate Document 385, 66th Cong., 3d sess., listing amounts of claims disallowed and reasons for their disallowance in which list the claim of respondent is apparently included), no statute has been passed which shows expressly or by inference that Congress disapproved the construction of the Act by the Secretaries of the Interior. By this long acquiescence in the administrative construction of the Act it is submitted that Congress has given its approval thereto.

The legislative history of the Act of February 13, 1929, shows that it was not designed to change the construction placed upon the Act of March 2, 1919, by successive Secretaries of the Interior. On January 28, 1929, Mr. Robsion, on behalf of the Committee on Mines and Mining, submitted a report (H. Rep. 2250, 70th Cong., 2d sess.) to the House of Representatives in connection with a pending Bill (H. R. 15861), which subsequently was enacted and approved as the Act of February 13, 1929. Mr. Robsion said in part:

> The bill does not enlarge in any manner the scope of existing war minerals legislation, nor does it permit the filing of any new claims. It simply confers upon the Supreme Court of the District of Columbia, the appel-

late courts, and the Supreme Court of the United States jurisdiction to pass upon questions of law for the guidance of the Secretary of the Interior for his further administration of the war minerals act.

It does not take the administration of the war minerals act away from the Secretary of the Interior as provided for in the original act.

Various attempts to enact legislation specifically designed to reverse the construction of the Act by the Secretaries of the Interior were unsuccessful. On March 25, 1926, Senator Oddie, on behalf of the Committee on Mines and Mining, submitted a favorable report (S. Rep. 475, 69th Cong., 1st sess.) to the Senate upon a bill (S. 3641) to amend the Act of March 2, 1919, which proposed bill contained the following provision:

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to include in his adjustments and payments in each claim all items of net loss, including moneys expended or obligations incurred for or in connection with the purchase or lease of property and *money paid and due to be paid for interest on borrowed capital.* (Italics ours.)

This bill did not pass.

Just prior to the passage of the Act of February 12, 1929, House Bill 14131 was on the calendar but was withdrawn in favor of House Bill 15861, which was subsequently enacted as the Act of Feb-

ruary 13, 1929. H. R. 14131 contained the following provisions:

> That section 5 of the Act entitled "An Act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, commonly referred to as the War Minerals Relief Act, is hereby amended to authorize and direct the Secretary of the Interior to determine, adjust, liquidate, and pay net losses resulting from moneys expended or obligations incurred for the purchase or lease of property acquired for the production of, or in the preparation to produce, either manganese, chrome, pyrites, or tungsten; and *also to determine, adjust, liquidate, and pay net losses arising from money paid or due to be paid for interest on borrowed capital not to exceed the lawful rate of interest in the State where the obligation was incurred.* (Italics ours.)

If Congress had intended to change the construction of the Act which had been followed for a decade by successive Secretaries, that could have been done by a simple change in the substantive provisions of the law. These provisions were not changed and the court review was of questions of law determined under the statute without change. The statute was correctly interpreted by the petitioner. His action in disallowing the respondent's claim was correct. Therefore, it was error for the court below to reverse the petitioner's determination.

II

UNDER THE ACT OF MARCH 2, 1919, THE PETITIONER WAS VESTED WITH DISCRETION IN THE ALLOWANCE AND DISALLOWANCE OF CLAIMS WHICH WAS NOT REMOVED BY THE ACT OF FEBRUARY 13, 1929

Assuming that the statute did not require the disallowance of the claim for interest, it is our contention that under the Act of March 2, 1919, the Secretary of the Interior had a wide discretion in the allowance of claims, based upon his determination of whether the allowance of particular claims would be just and equitable. The extent and nature of this discretion was considered by this Court in *Work* v. *Rives*, 267 U. S. 175, and *Work* v. *Chestatee Corporation*, 267 U. S. 185. In the brief for the petitioner in No. 66, *Ray Lyman Wilbur, as Secretary of the Interior*, v. *United States of America ex rel. The Vindicator Consolidated Gold Mining Company*, we have set forth our contention that the Act of February 13, 1929, did not affect the discretion conferred by the Act of March 2, 1919. That argument applies with equal force to the present case, and we shall not burden the Court by repeating it here.

If, as we contend, petitioner has discretion to allow only such claims as he considers to be just and equitable, he might well determine, if he has not already done so, that the allowance of respondent's claim would be unjust and inequitable. Since a claimant who uses his own funds for the purpose of producing the minerals mentioned in the Act of

March 2, 1919, is not to receive interest, it would seem to be unfair and inequitable to allow such interest to a claimant who has expended borrowed capital when one who has used his own funds can have no such allowance.

As in No. 66, it is not entirely clear from the answer whether petitioner has already exercised his discretion and has disallowed respondent's claim because he has determined that its allowance would be unjust and inequitable. If the answer may be said to allege that such discretion has been exercised, it was clearly error for the court below to review it and apply its own view of what would be just and equitable to a subject left entirely to the Secretary. If, on the other hand, the petitioner has not yet exercised his discretion, the court below erred in directing him to ascertain the amount of interest paid and then allow the claim, for in doing so the court below deprived the petitioner, in advance, of his opportunity to exercise his discretion.

CONCLUSION

The judgment of the Court of Appeals of the District of Columbia is erroneous and should be reversed.

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Special Assistants to the Attorney General.
E. C. FINNEY,
Solicitor, Interior Department.

APPENDIX

Extract from the Act of March 2, 1919, known as the War Minerals Relief Act, c. 94, 40 Stat. 1272, 1274:

SEC. 5. That the Secretary of the Interior be, and he hereby is, authorized to adjust, liquidate, and pay such net losses as have been suffered by any person, firm, or corporation, by reason of producing or preparing to produce, either manganese, chrome, pyrites, or tungsten in compliance with the request or demand of the Department of the Interior, the War Industries Board, the War Trade Board, the Shipping Board, or the Emergency Fleet Corporation to supply the urgent needs of the Nation in the prosecution of the war; said minerals being enumerated in the Act of Congress approved October fifth, nineteen hundred and eighteen, entitled "An Act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply."

The said Secretary shall make such adjustments and payments in each case as he shall determine to be just and equitable; that the decision of said Secretary shall be conclusive and final, subject to

the limitation hereinafter provided; that all payments and expenses incurred by said Secretary, including personal services, traveling and subsistence expenses, supplies, postage, printing, and all other expenses incident to the proper prosecution of this work, both in the District of Columbia and elsewhere, as the Secretary of the Interior may deem essential and proper, shall be paid from the funds appropriated by the said Act of October fifth, nineteen hundred and eighteen; and that said funds and appropriations shall continue to be available for said purpose until such time as the said Secretary shall have fully exercised the authority herein granted and performed and completed the duties hereby provided and imposed: *Provided, however,* That the payments and disbursements made under the provisions of this section for and in connection with the payments and settlements of the claims herein described, and the said expenses of administration shall in no event exceed the sum of $8,500,000: *And provided further,* That said Secretary shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the Department of the Interior within three months from and after the approval of this Act: *And provided further,* That no claim shall be allowed or paid by said Secretary unless it shall appear to the satisfaction of the said Secretary that the expenditures so made or obligations so incurred by the claimant were made in good faith for or upon property which contained either manganese, chrome, pyrites, or tungsten in sufficient quantities to be of commercial importance; *And provided further,* That no claims shall be paid

unless it shall appear to the satisfaction of said Secretary that moneys were invested or obligations were incurred subsequent to April sixth, nineteen hundred and seventeen, and prior to November twelfth, nineteen hundred and eighteen, in a legitimate attempt to produce either manganese, chrome, pyrites, or tungsten for the needs of the Nation for the prosecution of the war, and that no profits of any kind shall be included in the allowance of any of said claims, and that no investment for merely speculative purposes shall be recognized in any manner by said Secretary: *And provided further*, That the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right to recover any money paid by the Government to any party under and by virtue of the provisions of this section, if the Government has been defrauded, and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns of any party.

That a report of all operations under this section, including receipts and disbursements, shall be made to Congress on or before the first Monday in December of each year.

That nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States: *Provided further*, That in determining the net losses of any claimant the Secretary of the Interior shall, among other

things, take into consideration and charge to the claimant the then market value of any ores or minerals on hand belonging to the claimant, and also the salvage or usable value of any machinery or other appliances which may be claimed was purchased to equip said mine for the purpose of complying with the request or demand of the agencies of the Government above mentioned in the manner aforesaid.

ACT OF NOVEMBER 23, 1921, C. 137, 42 STAT. 322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act approved March 2, 1919, entitled "An Act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," be, and the same is hereby, amended as follows:

Add to the first paragraph of section 5 the following proviso: "*Provided,* That all claimants who, in response to any personal, written, or published request, demand, solicitation, or appeal from any of the Government agencies mentioned in said act, in good faith expended money in producing or preparing to produce any of the ores or minerals named therein and have heretofore mailed or filed their claims or notice in writing thereof within the time and in the manner prescribed by said Act, if the proof in support of said claims clearly shows them to be based upon action taken in response to such request, demand, solicitation or appeal, shall be reimbursed such net losses as they may have incurred and are in justice and equity entitled to from the appropriation in said Act.

"If in claims passed upon under said Act awards have been denied or made on rulings contrary to the provisions of this amendment, or through miscalculation, the Secretary of the Interior may award proper amounts or additional amounts."

ACT OF FEBRUARY 13, 1929, c. 182, 45 STAT. 1166.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any claimant who has heretofore filed with the Secretary of the Interior within the time and manner provided by existing law a claim under said Acts generally known as the War Minerals Acts (Fortieth Statutes, page 1272, and its amendments) may within one year from the date of the passage and approval hereof petition the Supreme Court of the District of Columbia to review the final decision of the Secretary of the Interior upon any question of law which has arisen or which may hereafter arise in the adjustment, liquidation, and payment of his claim under said Acts, but the decision of the Secretary of the Interior on all questions of fact shall be conclusive and not subject to review by any court.

SEC. 2. In any proceeding brought under the provisions of section 1 of this Act the Secretary of the Interior shall be designated as the defendant or respondent, and upon the filing of the petition the cause shall follow the usual procedure, subject to such rules or orders as the court may make with respect thereto.

SEC. 3. Jurisdiction is hereby conferred upon the Supreme Court of the District of Columbia, as a district court of the United States, to hear and de-

termine all such suits and enter all orders, judgments, and decrees therein, subject to the usual right of appeal by either party to the Court of Appeals of the District of Columbia, whose final judgment may be reviewed by the Supreme Court of the United States by petition for certiorari or by appeal as provided by law and the rules of the court.

SEC. 4. Upon the final disposition of such proceeding, the clerk of the Supreme Court of the District of Columbia shall without delay certify to the Secretary of the Interior the final judgment or decree rendered therein, whereupon the Secretary of the Interior shall proceed with the final adjustment of said claim in accordance with the law as construed by the court in such judgment or decree.

U. S. GOVERNMENT PRINTING OFFICE: 1931